

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIK J. GUMMINGER,

Plaintiff,

v.

PENNSYLVANIA BOARD OF  
PROBATION/PAROLE and C/O  
KELLOM,

Defendants.

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CIVIL ACTION NO. 22-4927

**ORDER**

**AND NOW**, this 28th day of February, 2023, after considering the application for leave to proceed *in forma pauperis*, complaint, and prisoner trust fund account statement filed by the *pro se* plaintiff, Erik J. Gumminger (Doc. Nos. 1–3); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 1) is **GRANTED**, and the plaintiff has leave to proceed *in forma pauperis*;

2. Erik J. Gumminger, #21006144, shall pay the full filing fee in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The court directs the Warden of the George W. Hill Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Gumminger’s inmate account; or (b) the average monthly balance in Gumminger’s inmate account for the six-month period immediately preceding the filing of this case. The Warden of the George W. Hill Correctional Facility or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this order of court with a reference to the docket number for this case. In each succeeding month when the amount in Gumminger’s inmate trust fund account

exceeds \$10.00, the Warden of the George W. Hill Correctional Facility or other appropriate official shall forward payments to the clerk of court equaling 20% of the preceding month's income credited to Gumminger's inmate account until the fees are paid. Each payment shall refer to the docket number for this case;

3. The clerk of court is **DIRECTED** to **SEND** a copy of this order to the Warden of the George W. Hill Correctional Facility;

4. The complaint (Doc. No. 2) is **DEEMED** filed;

5. The complaint (Doc. No. 2) is **DISMISSED WITH PREJUDICE**; and

6. The clerk of court is **DIRECTED** to **CLOSE** this case.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.